

shall submit to the appropriate Secretary an annual report on the status of the programs authorized by this chapter or any other relevant report requested by such Secretary.

(b) Monitoring

After the 18-month period after approval of the report of the Salmon and Steelhead Advisory Commission under subchapter II of this chapter, the Secretary of Commerce shall establish a system to monitor and evaluate on a continuing basis whether the management program set forth in the report is being effectively implemented. If at any time after the monitoring system is established, the Secretary finds that—

(1) the number of parties referred to in section 3314 of this title has been reduced to the extent that such program cannot be implemented effectively; or

(2) the general implementation of the program is ineffective;

the Secretary shall immediately discontinue any further funding under subchapter III of this chapter.

(Pub. L. 96-561, title I, § 141, Dec. 22, 1980, 94 Stat. 3286.)

§ 3343. Construction with fishery conservation and management provisions

(a) Consistency

Nothing in this chapter shall be construed as affecting the provisions of title III of the Magnuson Fishery Conservation and Management Act [16 U.S.C. 1851 et seq.] as it applies with respect to fishery management plans and their application to any fishery, except that the Pacific Fishery Management Council shall ensure that existing and future fishery management plans are consistent with any recommended program approved under section 3311 of this title and any enhancement plan under subchapter III of this chapter.

(b) Fleet mobility

The Secretary of Commerce in coordination with the Pacific Fishery Management Council in its salmon management plan shall ensure that the fishing effort reduction that results from the fleet adjustment program of subchapter IV of this chapter and the license moratorium of the State of Washington is not replaced by new fishing effort from outside such State.

(Pub. L. 96-561, title I, § 142, title II, § 238(b), Dec. 22, 1980, 94 Stat. 3286, 3300.)

REFERENCES IN TEXT

The Magnuson Fishery Conservation and Management Act, referred to in subsec. (a), is Pub. L. 94-265, Apr. 13, 1976, 90 Stat. 331, as amended. Title III of the Act is classified generally to subchapter IV (§ 1851 et seq.) of chapter 38 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1801 of this title and Tables.

AMENDMENTS

1980—Subsec. (a). Pub. L. 96-561, § 238(b), substituted “Magnuson Fishery Conservation and Management Act” for “Fishery Conservation and Management Act of 1976”.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by section 238(b) of Pub. L. 96-561 effective 15 days after Dec. 22, 1980, see section 238(a) of Pub.

L. 96-561, set out as a Short Title of 1980 Amendment note under section 1801 of this title.

§ 3344. Construction with other laws

Nothing in this chapter shall be construed—

(1) to diminish Federal, State, or tribal jurisdiction, responsibility, or rights in the field of resource enhancement and management, or control of water resources, submerged lands, or navigable waters; nor to limit the authority of Congress to authorize and fund projects; or

(2) as superseding, modifying, or repealing any existing applicable law, except as provided for in this section.

(Pub. L. 96-561, title I, § 143, Dec. 22, 1980, 94 Stat. 3286.)

§ 3345. Authorization of additional appropriations

In addition to other authorizations of appropriations contained in this chapter, there are authorized to be appropriated to the Secretary of Commerce beginning October 1, 1981, an amount not to exceed \$5,000,000 for the purpose of developing fisheries port facilities in the State of Oregon. The Secretary shall obligate such funds for projects proposed by units of State or local government, Indian tribes, or private nonprofit entities, and approved by the State of Oregon in consultation with the National Marine Fisheries Service and the Economic Development Administration. To the extent practicable, the Secretary shall assure that projects under this section are integrated with planning and assistance under the Public Works and Economic Development Act [42 U.S.C. 3121 et seq.] Funds available under this section shall not be used for any navigational improvement or other modification of the navigable waters of the United States. Funds appropriated pursuant to this section shall remain available until expended.

(Pub. L. 96-561, title I, § 144, Dec. 22, 1980, 94 Stat. 3286.)

REFERENCES IN TEXT

The Public Works and Economic Development Act, referred to in text, probably means the Public Works and Economic Development Act of 1965, Pub. L. 89-136, Aug. 26, 1965, 79 Stat. 552, as amended, which is classified generally to chapter 38 (§ 3121 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 3121 of Title 42 and Tables.

CHAPTER 53—CONTROL OF ILLEGALLY TAKEN FISH AND WILDLIFE

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CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 1861, 4912 of this title.

§ 3371. Definitions

For the purposes of this chapter:

(a) The term “fish or wildlife” means any wild animal, whether alive or dead, including without limitation any wild mammal, bird, reptile, amphibian, fish, mollusk, crustacean, arthropod, coelenterate, or other invertebrate, whether or not bred, hatched, or born in captivity, and includes any part, product, egg, or offspring thereof.

(b) The term “import” means to land on, bring into, or introduce into, any place subject to the jurisdiction of the United States, whether or not such landing, bringing, or introduction constitutes an importation within the meaning of the customs laws of the United States.

(c) The term “Indian tribal law” means any regulation of, or other rule of conduct enforceable by, any Indian tribe, band, or group but only to the extent that the regulation or rule applies within Indian country as defined in section 1151 of title 18.

(d) The terms “law,” “treaty,” “regulation,” and “Indian tribal law” mean laws, treaties, regulations or Indian tribal laws which regulate the taking, possession, importation, exportation, transportation, or sale of fish or wildlife or plants.

(e) The term “person” includes any individual, partnership, association, corporation, trust, or any officer, employee, agent, department, or instrumentality of the Federal Government or of any State or political subdivision thereof, or any other entity subject to the jurisdiction of the United States.

(f) The terms “plant” and “plants” mean any wild member of the plant kingdom, including roots, seeds, and other parts thereof (but exclud-

ing common food crops and cultivars) which is indigenous to any State and which is either (A) listed on an appendix to the Convention on International Trade in Endangered Species of Wild Fauna and Flora, or (B) listed pursuant to any State law that provides for the conservation of species threatened with extinction.

(g) The term “Secretary” means, except as otherwise provided in this chapter, the Secretary of the Interior or the Secretary of Commerce, as program responsibilities are vested pursuant to the provisions of Reorganization Plan Numbered 4 of 1970 (84 Stat. 2090); except that with respect to the provisions of this chapter which pertain to the importation or exportation of plants the term means the Secretary of Agriculture.

(h) The term “State” means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, Northern Mariana Islands, American Samoa, and any other territory, commonwealth, or possession of the United States.

(i) The term “taken” means captured, killed, or collected.

(j) The term “transport” means to move, convey, carry, or ship by any means, or to deliver or receive for the purpose of movement, conveyance, carriage, or shipment.

(Pub. L. 97-79, §2, Nov. 16, 1981, 95 Stat. 1073.)

REFERENCES IN TEXT

This chapter, referred to in the provision preceding par. (a), and in par. (g), was in the original “this Act” and “the Act”, meaning Pub. L. 97-79, Nov. 16, 1981, 95 Stat. 1073, known as the Lacey Act Amendments of 1981, which enacted this chapter; amended section 1540 of this title and section 42 of Title 18, Crimes and Criminal Procedure; repealed sections 667e and 851 to 856 of this title and sections 43, 44, 3054, and 3112 of Title 18; and enacted provisions set out as notes under sections 1540 and 3371 of this title. For complete classification of this Act to the Code, see Short Title note set out below and Tables.

Reorganization Plan No. 4 of 1970 (84 Stat. 2090), referred to in par. (g), is set out in the Appendix to Title 5, Government Organization and Employees.

SHORT TITLE

Section 1 of Pub. L. 97-79 provided: “That this Act [enacting this chapter, amending section 1540 of this title and section 42 of Title 18, Crimes and Criminal Procedure, repealing sections 667e and 851 to 856 of this title and sections 43, 44, 3054, and 3112 of Title 18, and enacting provisions set out as a note under section 1540 of this title] may be cited as the ‘Lacey Act Amendments of 1981’.”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 7 section 1997.

§ 3372. Prohibited acts**(a) Offenses other than marking offenses**

It is unlawful for any person—

(1) to import, export, transport, sell, receive, acquire, or purchase any fish or wildlife or plant taken, possessed, transported, or sold in violation of any law, treaty, or regulation of the United States or in violation of any Indian tribal law;

(2) to import, export, transport, sell, receive, acquire, or purchase in interstate or foreign commerce—